BEFORE THE IN RE: PETITION FOR ZONING VARIANCE S/S 35th Street, 503' SE of DEFUTY ZONING COMMISSIONER the c/1 of Hamilton Avenue (7919 35th Street) OF BALTIMORE COUNTY 14th Election District 6th Councilmanic Listrict * Case No. 90-27-A Antonino Correlli, et ux Petitioners FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioners herein request a variance to permit a side yard setback of 2 feet in lieu of the required 10 feet, and a rear yard setback of 2 feet in lieu of the required 30 feet, for an existing dwelling as more particularly described in Petitioner's Exhibit 1. The Petitioners appeared and testified. Also appearing on behalf

property. There were no Protestants. Testimony indicated that the subject property, known as 7919 35th Street, consists of .21 acres zoned D.R. 5.5 and is improved with a single family dwelling approximately 82 years old. Petitioners testified they purchased the property approximately 12 years ago. Testimony indicated that the adjoining property, known as 7917 35th Street, recently was placed on the real estate market. A subsequent survey of the property for settlement purposes revealed that the subject dwelling was actually over its side yard property line by 3.5'. Testimony indicated that as a result of this finding, new deeds are being drawn and new property lines established; however, the existing dwelling will still remain within 2 feet of its side property line at the southwest corner.

of the Petition was Deborah Sigia, Contract Purchaser of the adjoining

Testimony presented by Ms. Sigia was in support of Petitioners request. She testif 1 that she understood the nature of their request and had no objections to the granting of the relief sought. Both the Petitioners and Ms. Sigia indicated the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the 'operty, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3' day of August, 1989 that the Petition for Zoning Variance to permit a side yard setback of 2 feet in lieu of the required 10 feet, and a rear yard setback of 2 feet in lieu of the required 30 feet, for an existing dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> (M. M. kerni i ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Zoring Commission Office of Planning & Zoning Towson. Maryland 21504 (301) 887-3353

J. Robert Flaines

August 3, 1989

Mr. & Mrs. Antonino Correlli 7919 35th Street Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE S/S 35th Street, 503' SE of the c/l of Hamilton Avenue (7919 35th Streat)

14th Election District - 6th Councilmanic District Antonino Correlli, et ux - Petitioners Case No. 90-27-A

Dear Mr. & Mrs. Correlli:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

an Malestanourie ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Ms. Deborah Sigia 7917 35th Street, Baltimore, Md. 21237

People's Counsel

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section __1802.1.G.1____.To.allow-a side and rear yard setback____ of Act. in lies of the required 10.51. and 20 ft. respectively for an

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) NE SE 1. - House was original house in subdivision 4B Impossible to move Already existing.

1, of we, egr. to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of L. Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do soiemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): ANTONINO CORRELL Autourie Coull NANCY A CORRELL

1919 35TH ST 8662173 BALTIMORE MD 21237 City and State

Phone: (301)-574-2227

BROYLES, HAYES AND ASSOCIATES Engineers • Designers • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221 DESCRIPTION OF 7919 3ETH AVENUE LOT 226 ROSEDALE FARMS W. P. C. PLAT BOOK 5 FOLIO 61

Beginning for the same at the Northeast corner of Lot 226 on the Plat of Rosedale Farms dated June 10, 1920 Recorded in the Land Records of Baltimore County Maryland, lat Book W.P.C. 5 Folio 61, said point being 554.4 feet Easterly from the Southeast corner of 35th Street and Hamilton Avenue right-of-way, thence running and binding on the south side of 35th Street

FOR ZONING VARIANCE

1. N 77° 30' W 51.24± feet, thence leaving said street

2. S 01° 10' E 52±, thence for two new lines of division running and binding with the west and south sides of an existing house the two following courses viz.

3. S 120 20' W 14.4+ feet, thence

4. S 77° 40' E 3.6+ feet, thence continuing with the original lot boundary the four following courses viz.

5. S 010 10' E 112+ feet, thence

6. S 830 45' E 50.3± feet, thence

7. N 01° 10' W 179.93+ feet to the point of beginning containing 0.211 acres.

Together with the use of others bounded thereon a 2.5 feet wide

easement for the purpose of maintaining the existing structure bounded by this easement more particularly described as follows:

Beginning for the same at a point at the end of the second or S 01° 10' E 52± line of the aforesaid description for lot 226, thence running and binding with the west and south sides of an existing house the two following courses viz.

1. S 12° 20' W 14.4± feet, thence

2. S 77° 40' E 3.6± feet, thence continuing with the original lot boundary

S 01° 10' E 2.6± feet, thence for two new lines of division the two following courses viz.

4. N 77° 40' W 6.7± feet, thence

5. N 12° 20' E 24.9+ feet, thence continuing with the original lot

6, S 01° 10' E 10.3+ feet, to the point of beginning containing 0,001

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

DATE 7-49-99

Mr. & Mrs. Anthonio Correlli 7919 35th Street Baltimore, Maryland 21237

Petition for Zoning Variance CASE NUMBER: 90-27-A SS 35th Street, 503' SE of c/l of Hamilton Avenue 7919 35th Street 14th Election District - 6th Louncilmanic Petitioner(=): Antonino Corrilli, et ux

HEARING SCHEDULED: THURSDAY, AUGUST 3, 1989 at 11:30 a.m Dear Mr. & Mrs. Correlli:

Please be advised that \$ 133.67 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

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BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

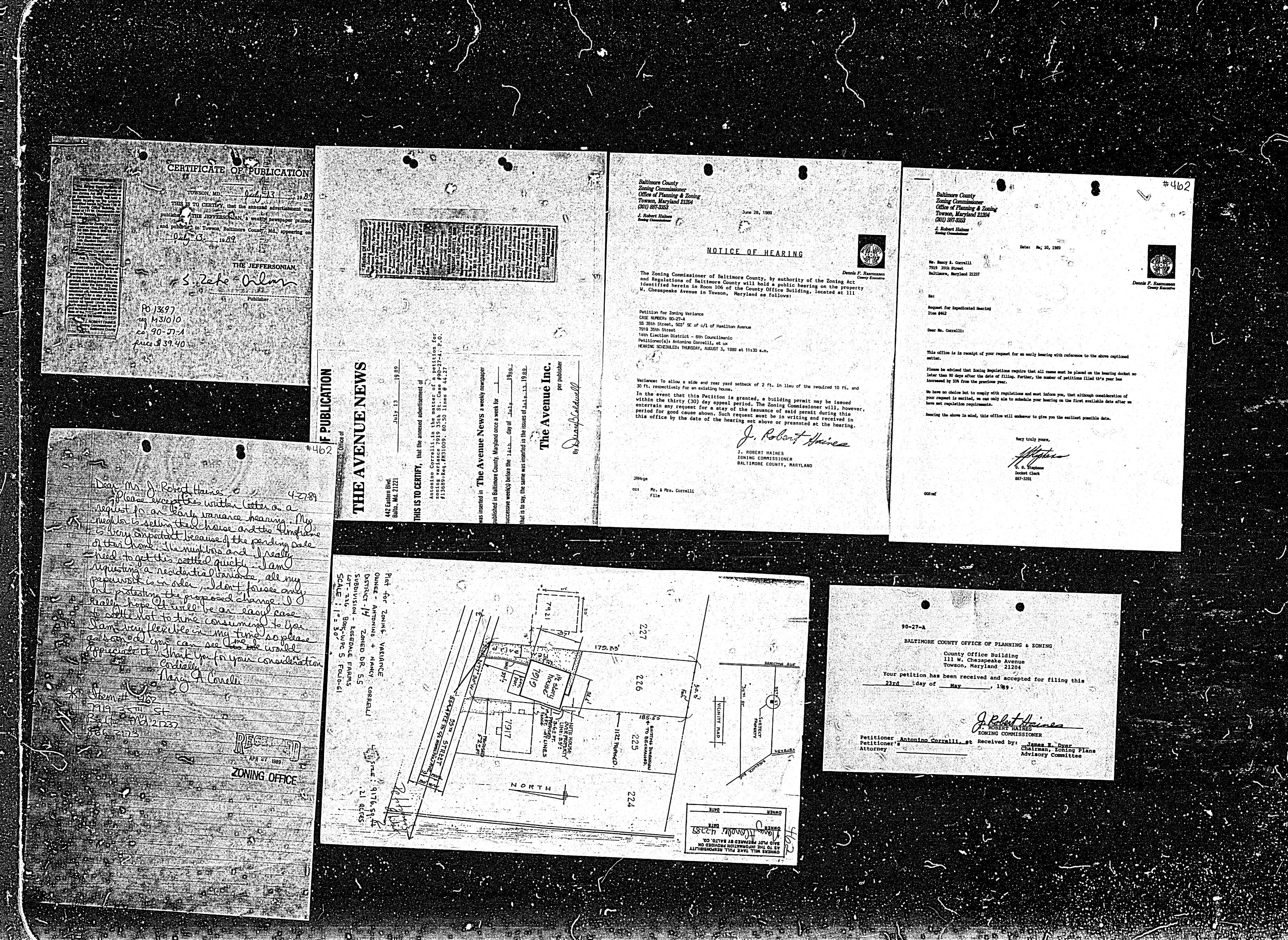
J. Robert Haines Zoning Commissioner

DATE: July 24, 1989

Pat Keller, Deputy Director Office of Planning and Zoning

Antonino and Nancy Correlli, Item 462 Zoning Petition No. 90-27A

The petitioners request a variance to allow a side and rear yard setback of 2 feet in lieu of the required 10 feet and 30 feet respectively for an existing house. In reference to this request, staff offers no comment.



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 24, 1989

COUNTY OFFICE PLOG Mr. & Mrs. Antonino Correlli 7919 35th Str

MEMBERS

nurree of Engineering

Traffic Engineering

Bureau of Pire Prevention

Realth Department

Building Department

Board of Edwartica

Industrial ?

Soning Administration

Project Planning

State Roads Commission

RE: Item No. 462, Case No. 90-27-A Petitioner: Amionino Correlli, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Correlli:

Baltimore, MD 21237

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is mut informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY OUESTIONS REGARDING THIS. PLEASE CONTACT HER AT 887-3391.

Enclosures

Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

MSF/lvw

The Bureau of Traffic Engineering has no comments for item number

Traffic Engineer Assoc. II

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: Antonino Correlli

Location: #7919 35th Street

Item No.: 462

Zoning Agenda: May 23, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

JK/ker

Special Inspection Division

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for May 23, 1989 (teme 42 and 490)

the zoning items for the subject meeting and we have no comments.

Developers Engineering Division

RWB:s

June 6, 1989

Baltimore County
Department of Public Works Bureau of Traffic Engineering

Baltimore County

Towson, Maryland 21204-2586

(301) 887-4500

Paul H. Reincke

May 31, 1989

Fire Department 800 York Road

The Developers Engineering Division has reviewed